

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 91-75385

PETER G. GRACIAN a/k/a LAMBERT,

HONORABLE AVERN COHN

Defendant

and

FIRST TRUST CREDIT UNION,

Garnishee Defendant.

**ORDER
SETTING HEARING ON DEFENDANT'S OBJECTION TO GARNISHMENT
AND
REQUIRING DEFENDANT TO BRING DOCUMENTARY EVIDENCE SUPPORTING
THE CLAIMED EXEMPTION TO THE HEARING**

This is an action brought by the government to collect on a debt. On January 17, 1992, a judgment was entered in favor of the government and against defendant in the amount of \$1500.00. The government then began collection proceedings, including garnishment. On July 17, 2008, a writ of garnishment was served on First Trust Credit Union as garnishee defendant.

Before the Court is defendant's request for a hearing and objection to garnishment. Defendant says that the account at First Trust Credit Union is exempt from garnishment because all of the account funds are Social Security VA disability benefits payable to his wife. The government agrees that if defendant is correct, the

account would be exempt from garnishment; however, defendant has not provided proof of the claimed exemption.

Accordingly, the parties shall appear before the Court for a hearing on **Wednesday, September 3, 2008 at 2:00 pm.** Defendant shall bring with him to the hearing documentary evidence supporting his contention that the account funds are strictly VA benefits payable to his wife.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: August 8, 2008

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record and Peter Gracian, 1205 W. 10th Street, #210, LaPorte, IN 46350 on this date, August 8, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160